

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to average charge for care in a mental health institute and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4.

Purpose and Summary

This proposed rule making updates administrative rules to adjust the average charge for care in mental health institutes (MHIs). The average charge for care in MHIs is used to determine the disposition of the income of a medical assistance income trust (MAIT) and is based on Medicaid rates because Medicaid is the primary payer of the services.

The decrease in this amount may cause fewer individuals who reside in an MHI to be able to qualify for medical assistance with MAITs because the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes is decreased.

The statewide average private-pay charge for nursing facility care and for psychiatric medical institutions for children (PMICs) and the maximum Medicaid rate for intermediate care facilities for persons with an intellectual disability (ICF/IDs) are addressed in a separate rule making (see **ARC 3760C**, 4/25/18 IAB).

Fiscal Impact

This rule making has a fiscal impact of less than \$100,000 annually or \$500,000 over five years to the State of Iowa. The decrease in this amount may cause fewer individuals who reside in an MHI to qualify for medical assistance with MAITs because the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes is decreased. However, the change will have a minimal impact, as the decrease is small.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

These amendments do not contain waiver provisions because everyone should be subject to the same amounts set by this rule. Individuals may request an exception pursuant to the Department’s general rule on exceptions to policy at rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 15, 2018. Comments should be directed to:

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: policyanalysis@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subparagraph **75.24(3)“b”(3)** as follows:

(3) The average statewide charge to a resident of a mental health institute is ~~\$29,312~~ \$27,667 per month.